From: H. William Connors II
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

I just wanted to express my opinion on the proposed Microsoft settlement. I do not believe that the proposed settlement will effectively curtail the Microsoft monopoly. Unlike the AT&T monopoly and breakup I don't believe the proposed Microsoft solution doesn't have sufficient provisions for eliminating or even preventing future monopolistic practices.

I feel a better solution would more closely mimic the AT&T solution. I would suggest that breaking the company up and then applying some additional constraints to those individual companies is the right solution.

I would therefore break the company into the following 2 or 3 pieces. I would split the company into an Operating Systems company and an Applications company. If the decision is made that Internet Explorer is an integral part of the Operating System, I would create a third company which is comprised of the Microsoft Services such as MSN and its E-commerce components and technologies such as passport.

Constraints for the Operating Systems company:

I would required that all technical documentation (i.e. API specifications, etc) be licensed in a manner similar to that specified at http://www.kegel.com/remedy/remedy1.html

"Microsoft shall disclose and license to ISVs, IHVs, IAPs, ICPs, OEMs and Third-Party Licensees, on an ongoing, basis and in a Timely Manner, in whatever media Microsoft customarily disseminates such information to its own personnel, all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable:..."

where:

"The aforementioned license shall grant a royalty-free, non-exclusive perpetual right on a non-discriminatory basis to use this information to create independent implementions of the APIs so disclosed."

and:

"ISV" means any entity (including without limitation the Open Source community) other than Microsoft...

This documentation should be made available to all interested parties at the same time as it is made available to the Microsoft applications company.

In order to ensure equality for all application developers, I feel that the microsoft development suite (i.e. Visual Studio) should remain with the operating system groups. This creates a level playing field in that all application developers will have access to the same optimizations and development libraries to access core OS resources.

In addition the service aspects of the .NET technologies should be removed from Operating systems group. This technology and its corresponding services are extremely powerful and useful. I fear however that they are the next major area of monopolistic concern. As the internet becomes even more pervasive, these technologies have the potential to lookout other technologies, applications, and platforms from the internet. The fact that microsoft is bundling this technology with the operating system almost guarantees them a monopoly on the internet. The internet has to be kept an open and level playing field.

Constraints for the Applications company:

I feel that it is important to offer individuals the ability to run an operating system free of choice and not be limited by application availablity. While I would like to see the Office suite available on multiple operating systems, I don't know that that is necessary to be enforced by a court. Instead I think interoperability is more important and thus I feel the file format should be made public. This will allow other application (cross operating systems) to be able to reliably and accurately interchange data. This format should be made available under a license similar to that describe for the operating systems API. In addition the file format should be available to those interested parties atleast by the release date of office.

I also feel it is important that if a process is put in place for the Applications group to request features and/or report bugs in the operating system that that process be made available to those interested parties which licensed the operating system API. In addition this process should implemented in such a manner as not to biased to the Microsoft applications company.

Constraints for the Services Company:

The more I think about .NET and some of the services it provides, the more I think the right solution is to create a services company. Again this company should be forced to license their API's under a similar agreement to that of the OS APIs.

Bill

--
H. William Connors II

bconnors@rochgrp.com
Software Engineer
The Rochester Group, Inc.